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MINUTES OF THE ZONING BOARD
REGULAR MEETING, HELD MONDAY,
APRIL 13, 2015, 7:00 P.M., 4TH FLOOR, CAFETERIA,
GOVERNMENT CENTER BUILDING, 888
WASHINGTON BLVD, STAMFORD, CT 06901

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary) and William Morris.
Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:05 pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: April 6, 2015

Mr. Michelson submitted three corrections to the draft minutes. Mr. Morris moved to approve the minutes as amended with Mr. Michelson's corrections, seconded by Mr. Michelson and the motion was approved 3:0 (Mills, Michelson, Morris).

PENDING APPLICATIONS:

1. CSPR-968 – SHANAHAN, 280 Ocean Drive East, seeking approval to make seawall repairs and improvements in accordance with CT DEEP "Consent Order" for File #LIS-2006-060-V dated April 2, 2014 at property located at 280 Ocean Drive East in an R-20 district, within the CAM boundary.

Mr. Killeen provided an overview of this proposal to restore a seawall. The work had been performed without proper permits and the CT Department of Energy and Environmental Protection had issued fines to the property owner. He noted the correspondence from the Stamford Harbor Management Commission. Mr. Michelson asked if the work had been performed without permits and Mr. Killeen replied yes. Mr. Morris noted that the DEEP approval was set to expire at the end of December 2014. Len D'Andrea, Surveyor and agent for the owner, was present and noted that the owner had obtained a time extension from the DEEP. After further discussion, the Board was satisfied that the proposal was consistent with Coastal Management policies.

Mr. Michelson moved to approve the application subject to the conditions of the EPB staff report, seconded by Mr. Morris and the motion was approved 3:0 (Mills, Michelson, Morris). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - "Seawall Improvements - Sheet Index," "Topographic Survey," "Development Plan," "Seawall Cross-Sections," "Construction Phasing and Staging Plan," "Sedimentation and Erosion Control Plan," "Notes and Details," Carl and Mary Ann Shanahan, 280

Ocean Drive East, Stamford, Connecticut, prepared by D'Andrea Surveying & Engineering, PC, dated and last revised February 9, 2015.

- *“Plan,” and “Section & Details,” Shanahan Residence, 280 Ocean Drive East, Stamford, CT, prepared by Ruspini Consulting Engineers LLC, dated September 8, 2014, last revised February 9, 2015.*
 - *“Slope Landscape Plan,” Shanahan Residence, 280 Ocean Drive East, Stamford, CT, prepared by Environmental Land Solutions, LLC, dated August 26, 2014, revised February 9, 2015.*
2. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, landscaping, and professional supervision/certification and other engineered elements. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
 3. *Work areas, including the limits of the coastal velocity Zone, shall be staked in the field by a Connecticut licensed surveyor prior to the start of any site activity.*
 4. *Sediment and erosion controls and tree protection shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.*
 5. *All disturbed areas shall be stabilized in accordance with the approved erosion control plans prior to the issuance of a final certificate of occupancy.*
 6. *Upon the completion of the construction, submission of a final as-built plan in the form of an “Improvement Location Survey” is required, and a Connecticut registered professional Engineer shall submit written correspondence certifying (signed and sealed) that the walls, grading and final stabilization measures have been fully and properly completed per the approved plans and permit.*
 7. *All landscaping shall be installed under the supervision of a qualified landscaping professional with written certification submitted to EPB Staff prior to the issuance of a final certificate of occupancy and release of the performance surety.*
 8. *A Standard Landscape Maintenance Agreement to be filed on the Stamford Land Records;*
2. CSPR-977 – BIESENBACH/EVANS, 243 Dolphin Cove Quay, demo of existing and the construction of a new 2-1/2-story, 4,472 s.f. home and associated site improvements in an R-7.5 zone within the CAM boundary.

Mr. Killeen provided a summary of this proposal in which the owner plans to demolish an existing home and construct a new one. While the owner will locate the home away from the velocity zone, they plan to build the foundation to flood standards. Mr. Morris noted that the EPB review reported a sign-off was still required from the Engineering Department. After further discussion, the Board was satisfied that the proposal was consistent with Coastal Management policies.

Mr. Morris moved to approve the application subject to the conditions of the EPB staff report and subject to final sign-off by the Engineering Department, seconded by Mr. Michelson and the motion was approved 3:0 (Mills, Michelson, Morris). The conditions will read as follows:

1. Work shall comply with the following plans and correspondence:

- *“Topographic Survey Depicting Property at 243 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Maxine Biesenbach and James Evans, by D’Andrea Surveying and Engineering, P.C., revised March 16, 2015*
- *“Development Plan,” “Sedimentation and Erosion Control Plan,” and “Notes and Details,” at 243 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Maxine Biesenbach and James Evans, by D’Andrea Surveying and Engineering, P.C., revised March 30, 2015*
- *“Zoning Location Survey Depicting Property at 243 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Maxine Biesenbach and James Evans, by D’Andrea Surveying and Engineering, P.C., dated January 21, 2015.*
- *“Basement Plan,” “First Floor Plan,” “Second Floor Plan,” “Attic Plan,” and “Roof Plan,” Evans-Biesenbach Residence, 243 Dolphin Cove, Stamford, Connecticut, by Dodaro Architects, LLC, dated January 12, 2015.*
- *“Front and Rear Elevations,” and “Side Elevations,” Evans-Biesenbach Residence, 243 Dolphin Cove, Stamford, Connecticut, by Dodaro Architects, LLC, dated January 26, 2015.*
- *“Pool Layout Plan,” Prepared for Maxine Biesenbach, 243 Dolphin Cove Quay, Stamford, Connecticut 06902, by Rizzo Pool, dated December 17, 2014.*
- *“Title Sheet and General Notes,” “Vicinity Map, Existing Site Plan,” “Proposed Site Plan Existing and Proposed Section A-A,” “Existing and Proposed Section B-B,” “Existing and Proposed Section C-C,” “Existing and Proposed Section D-D,” and “Existing and Proposed Section E-E,” Residential Water form Improvements, 243 Dolphin Cove Quay, Stamford Connecticut, Prepared for Maxine Biesenbach and Mr. James Evans, 21*

Binney Lane, Old Greenwich, Connecticut, by Roberge Associates, Coastal Engineers, LLC, dated January 19, 2015.

- *Correspondence from John C. Roberge, P.E., Roberge Associates, Coastal Engineers, dated March 16, 2015.*
 - *Correspondence from Kevin H. Chamberlain, P.E., DECB, dated February 20, 2015.*
 - *“Draft Flood Preparedness Plan for Residents of 243 Dolphin Cove Quay, Stamford, Connecticut by Rocco V. D’Andrea, Inc., dated March 16, 2015.*
 - *“Drainage Summary Report for Single Family Dwelling, Located at 243 Dolphin Cove Quay, Stamford, Connecticut Prepared for Maxine Biesenbach and James Evans, revised March 16, 2015.*
 - *Correspondence form Leonard C. D’Andrea, P.E., D’Andrea, Surveying and Engineering, P.C., dated March 17, 2015.*
 - *“Planting Plan,” Evans- Biesenbach Residence, 243 Dolphin Cove Quay, Stamford Connecticut, by Susan Cohen, Landscape Architect, revised March 31, 2015.*
 - *“Correspondence from Nicholas Lee, Lee Horticultural Design, dated March 31, 2015.*
2. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, tree protection, drainage, landscaping, and professional supervision/certifications. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
 3. *Work areas, including the approximate limits of the coastal velocity zone, shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
 4. *Erosion controls and tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any land disturbing activities.*
 5. *Footings, foundations, dewatering measures and associated earthwork phases shall be conducted under the supervision of a Connecticut Geotechnical Engineer, with written certifications confirming the full and proper completion of these measures submitted to EPB Staff prior to the issuance of an approval for framing.*
 6. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternative prior to the receipt of a signature authorizing the*

issuance of a certificate of occupancy/return of surety. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.

- 7. All final grading, stabilization measures, drainage, wall enhancement, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer with written certifications (Engineer) and an improvement location survey (Surveyor) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety. Note that because subsurface structures are proposed, the owner is responsible for ensuring that the structures comply with the approved plans and city standards, and that the necessary inspections are made by the certifying professionals prior to backfilling.*
- 8. All approved landscaping and tree protection elements shall be conducted under the supervision of a qualified landscaping professional and arborist with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety.*
- 9. Upon the completion of the construction and prior to the issuance of a certificate of occupancy and return of surety, a Connecticut land surveyor shall complete a standard "National Flood Insurance Program Elevation Certificate."*
- 10. Prior to the receipt of a final certificate of occupancy, transfer of title and return of surety, the applicant shall file a **standard** notice on the Stamford Land Records disclosing the following information.*
 - The subject property lies, in part, within known flood hazard areas described as Zone VE, Elevation 16 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0151G, dated July 8, 2013.*
 - A permit (243 Dolphin Cove Quay, CSPR-977, 4/15) has been issued by the Zoning Board of the City of Stamford to allow construction of a new single family dwelling, drive, drainage, pool, other related improvements on a waterfront property that supports the coastal resources identified as "Coastal Flood Hazard Area," "Shorelands," and "Modified Escarpment."*
 - Acknowledge the existence of the final "Flood Preparedness Plan."*
- 11. Submission of a **standard City of Stamford** landscape maintenance agreement to ensure the success of landscape features prior to the receipt of a final certificate of occupancy, transfer of title and return of surety.*
- 12. Submission of a **standard City of Stamford** drainage facilities maintenance agreement to ensure the full and proper maintenance/function of the mitigating drainage structures prior to the receipt of a final certificate of occupancy, transfer of title and return of surety.*

OLD BUSINESS

1. Appl. 213-42: Charter Oak Communities and Inspirica Inc., Special Exception Approval and Site & Architectural Plan Approval, in conformance with Section 7.5C and Appendix B, Footnote 9 of the Stamford Zoning Regulations, to facilitate the construction of 48 below market rate senior residences with associated parking and amenities, located on a 0.33± acre site in the C-I zoning district commonly referred to as 992 Summer Street. *(administrative review of amendment to agreement for the use of Fee-in-Lieu funds).*

Mr. Killeen provided an explanation of the proposed amendment to the Stipulation Regarding BMR Housing Conditions. He explained that the property at 992 Summer Street was donated to St. Luke's Lifeworks ("Inspirica") in fulfillment of the BMR requirements for the High Grove project at 70 Forest Street, which was approved in 2004. When the market dropped in 2008, it made it difficult for Inspirica to build affordable units at this location as initially planned. The property remained undeveloped for 5 years until Inspirica partnered with Charter Oak Communities and obtained Zoning Board approval in 2014 to construct 48 units of affordable senior housing on the site (Application 213-42). Inspirica had received extensions on the original agreement through 2012. A new lender on the Charter Oak/Inspirica project has requested an extension of this deadline so they will be assured that the City will not assume ownership of the property as they could have under the previous stipulation.

Mr. Michelson questioned whether the Board had the authority to extend the deadline since the period had already expired. He asked if a new hearing should be held. Mr. Morris said he was comfortable granting the extensions since the updated amendment was drafted by Jim Minor from the City's Law Department and endorsed by Land Use Bureau Chief, Norman Cole. Mr. Mills agreed with Mr. Michelson that it might need another public hearing and asked why this issue wasn't raised when the Board considered this application in 2014. Jonathan Gottlieb, CFO for Charter Oak Communities (Rippowam Corporation), was present and spoke on behalf of this request. He stated that the applicants were unaware of this issue when they came for Board approval in 2014. He stated that without this extension, it would be difficult to obtain clear title for financing purposes. At first, the Board was reluctant to act without further input from Norman Cole and the Law Department. Mr. Mills asked if Charter Oak was comfortable proceeding with an approval without a public hearing even if it potentially opened this action up to appeal. Mr. Gottlieb said that the applicant was comfortable with the advice of the City's Law Department, which had drafted the agreement for the Board's consideration this evening.

After further discussion, Mr. Morris moved to approve the amendment to the stipulation affecting 992 Summer Street to authorize the use of the property to fulfill the BMR fee-in-lieu requirements of High Grove, LLC (Appl 204-49), pursuant to the recommendations of Land Use Bureau Chief Norman Cole and Law Department Special Counsel Jim Minor, seconded by Mr. Michelson and the motion was approved 3:0 (Mills, Michelson, Morris).

2. Application 213-04 – CITY REALTY, LLC, 336 Courtland Avenue approved special exception to expand an existing recycling use by reconfiguring the site, adding 32,347 s.f.

in a remodel of the existing building and adding 3 additional buildings on 3.8 acres to operate a single stream recycling operation in an M-L Zone (*administrative review of the Operation Plan as required under Condition #12 of approval*).

Mr. Killeen reported on the Applicant's fulfillment of nearly all of the 32 Conditions of Approval that were placed on this application. One of the conditions was that the Applicant submit an Operation's Plan to respond to the Zoning Board's concerns, subject to approval of the Zoning Board. The Applicant submitted this Plan, revised to October 2013, and it was forwarded to the Zoning Board for their review and approval. Mr. Killeen reported on other actions that had been taken by the Applicant to meet their conditions of approval, including sound tests at their property lines, constructing sound attenuating walls, and the creation of a hotline to receive neighborhood complaints about the operation. Staff had asked the Applicant to make two corrections to the Operation Plan which were submitted on April 13, 2015.

After additional discussion, Mr. Michelson made a motion to approve the Operations Plan as amended to April 13, 2015, seconded by Mr. Morris and the motion was approved 3:0 (Mills, Michelson, Morris).

NEW BUSINESS

1. DMV-049 – Williams Auto Service, LLC – 134/144 Jefferson Street; Application for Automobile Dealer's or Repairer's License (*administrative review of general repairer's shop in an MG zone*).

Mr. Killeen provided an overview of this request and referred to the Staff Report. He noted that the property was located along the Urban Transitway and that parking would be located on the adjacent property at 144 Jefferson Street.

Mr. Morris asked that the condition for a parking easement be broadened to include any change in property ownership. He also asked that a Landscape Maintenance Agreement be provided in addition to a Landscape Plan.

There being no additional discussion, Mr. Michelson made a motion to approve this motor vehicle location, subject to conditions, seconded by Mr. Morris and the motion was approved 3:0 (Mills, Michelson, Morris). The conditions will read as follows:

1. *Should the two subject properties (134 Jefferson Street and 144 Jefferson Street) fall into separate ownership in the future, an access and parking easement over the property at 144 Jefferson Street will be required to assure continued zoning compliance for this permit, subject to the approval of the Law Department and the Zoning Board staff and to be filed on the Stamford Land Records.*
2. *The applicant shall provide and implement a Landscape Plan to address the appearance of the property along the Jefferson Street road frontage and shall execute a Landscape Maintenance Agreement to assure ongoing maintenance of this landscape area, subject to approval of the Zoning Board staff.*

3. *The applicant shall provide a site plan (can be combined with the Landscape Plan) to illustrate how the parking spaces and parking lot would be allocated for use by the auto repair facility and the residential use, subject to approval of the Zoning Board staff.*
4. *The applicant shall not be allowed to store vehicle parts or damaged vehicles outside of their building.*
5. *Vehicles being serviced by the auto repair shop shall not be parked on the public streets.*
6. *There shall be no banners, flags, or streamers displayed on the property in conjunction with the business;*
7. *There shall be no auto body repair or paint shop on the premises.*
8. *Outside visible storage of any automotive equipment or supplies including tires, batteries, auto parts, oil cans, solvents, etc. shall not be permitted;*

Mr. Michelson made a motion to waive the rules to add a new agenda item, Closing of State Parking Garage at the Train Station, since it was announced in the Advocate today, seconded by Mr. Morris and the motion was approved 3:0 (Mills, Michelson, Morris).

2. Discussion of State Closing of Train Station Parking Garage

Mr. Mills stated that the City needed to be proactive in responding to this issue since nearly 1,000 commuters would be without a parking space and there would be chaos near the Train Station. Mr. Michelson asked about the status of the Gateway Garage and whether additional parking floors could be opened to meet the anticipated parking need.

Mr. Mills suggested that businesses along the trolley route be contacted to see if any of them could offer parking spaces to be used for this purpose. Marty Levine was present at the meeting and suggested that the Bell Street Garage should also be made available for this purpose. He thought that Economic Development Director, Thomas Madden, might be a good point person for the Board to contact. Mr. Morris asked the Staff to reach out to BLT and to the Mayor's Office to see if an interim plan could be quickly put in place.

There being no other business, Mr. Michelson made a motion to adjourn, seconded by Mr. Morris and the motion was approved 3:0 (Mills, Michelson, Morris).

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board